

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED

2019 AUG 27 PM 2:59

In Re:

LEONARD NYAMUSEVYA

Debtor.

Case No. 2:19-bk-52868

Chapter 7

Judge John E. Hoffman, Jr.

(Trial by Jury Requested Hereon)

(Fed. R. Civ. P. 38 Right to a Jury Trial is
Requested Hereon)

RICHARD JONES
CLERK OF COURT
U.S. BANKRUPTCY COURT
COLUMBUS, OHIO

**DEBTOR'S MOTION FOR CONTEMPT AGAINST CITIMORTGAGE, INC., FOR
WILLFUL AND RECKLESS AND WANTON AND MALICIOUS IN BAD
FAITH VIOLATION OF THE MAY 01, 2019 AUTOMATIC STAY.**

NOW COMES Debtor, Leonard Nyamusevya, (hereinafter the "Debtor,") and hereby respectfully moves this Court for an Order Finding Citimortgage, Inc., in Contempt of Court because Citimortgage, Inc., Willfully and Recklessly and Wantonly and Maliciously in Bad faith Violated the May 01, 2019 Automatic Stay.

Citimortgage, Inc., caused Debtor's residential real estate being unlawfully and unconstitutionally listed and scheduled for a Franklin County Foreclosure Sheriff's Sale on May 03, 2019; consequently, Debtor filed this instant Case No: 2:19-bk-52868, and was granted the May 01, 2019 Court Order for Bankruptcy Automatic Stay.

At the June 28, 2019 hearing Citimortgage, Inc., admitted in open Court that Citimortgage, Inc., was aware of and timely received the May 01, 2019 Order for Bankruptcy Automatic Stay. At the June 28, 2019 hearing Citimortgage, Inc., conceded and admitted and attested and agreed that Citimortgage, Inc., willfully and recklessly and wantonly and maliciously in bad faith violated the May 01, 2019 Automatic Stay, by unlawfully and unconstitutionally listing and scheduling for a Franklin County Foreclosure Sheriff's Sale on July 05, 2019, after May 01, 2019, and in violation of the May 01, 2019 Automatic Stay.

In its Objection to Debtor's Plan by Citimortgage, Inc., (Doc. No. 41) which was filed on June 26, 2019, Citimortgage, Inc., conceded and attested and affirmed and agreed and stated as follows:

"The May 03, 2019 foreclosure sale was postponed to July 05, 2019, however, the State Court foreclosure action was ultimately stayed due to Debtor Leonard Nyamusevya filing another Chapter 13 Petition pro se on May 01, 2019 under the within proceeding as Southern District of Ohio Case No. 2:19-bk-52868.

In open Court, at the June 28, 2019 hearing the Court and Debtor found that Citimortgage, Inc., violated the May 01, 2019 Automatic Stay, based on the above mentioned fact in Citimortgage, Inc.'s Doc. No. 41, because after the May 01, 2019 Automatic Stay, the Court and Debtor concluded that the May 03, 2019 foreclosure sale CANNOT be postponed to July 05, 2019 under existing law. The Court still has to enter an Order finding Citimortgage, Inc., in contempt of Court, for violating the May 01, 2019 Automatic Stay; consequently, Debtor preserves this issue that the Court still has to enter an Order finding Citimortgage, Inc., in contempt of Court, for violating the May 01, 2019 Automatic Stay, for review upon a direct appeal.

In open Court, at the June 28, 2019 hearing the Court and Debtor asked Citimortgage, Inc., to state under which law or statute after May 01, 2019 the May 03, 2019 foreclosure sale was postponed to July 05, 2019. The hearing on this matter was adjourned or put off or postponed (for a sentence) by the Court, finding Citimortgage, Inc., in contempt of Court, for violating the May 01, 2019 Automatic Stay. Based on the evidence before the Court, it is unquestionable that at the upcoming hearing, the Court should conclude by finding Citimortgage, Inc., in contempt of Court, for violating the May 01, 2019 Automatic Stay.

In this Court's record, on June 26, 2019 pursuant to Fed. R. Civ. P. 11 and Fed. R. Bankr. P. 9011 Citimortgage, Inc., conceded and attested and admitted and affirmed and agreed to the best of Citimortgage, Inc.'s knowledge, information and belief that, "The May 03, 2019 foreclosure sale was postponed to July 05, 2019." This fact alone is sufficient for the Court to conclude by finding Citimortgage, Inc., in contempt of Court, for violating the May 01, 2019 Automatic Stay.

Debtor's causes of actions arose against Citimortgage, Inc., due to Citimortgage, Inc.'s willful violation of the May 01, 2019 Automatic Stay. Debtor's residential real estate was trespassed by several unknown people and Citimortgage, Inc.'s own agents. Debtor suffered from mental anguishes and rapid heart rate. Debtor's health condition deteriorated. Debtor lost income and suffered starvation and extreme fear. At the upcoming hearing Debtor will bring his witnesses and will provide the evidences; consequently, the Court should grant this Motion.

Conclusion:

Debtor prays that the Court should grant this Motion.

Respectfully Submitted,



LEONARD NYAMUSEVYA

Debtor – *pro se*

P.O. Box 314

Reynoldsburg, Ohio 43068

(614) 323-5898

Email: nyaleo@hotmail.com

21 DAY NOTICE OF DEBTOR'S MOTION FOR CONTEMPT AGAINST CITIMORTGAGE, INC., FOR WILLFUL AND RECKLESS AND WANTON AND MALICIOUS IN BAD FAITH VIOLATION OF THE MAY 01, 2019 AUTOMATIC STAY.

Notice is hereby given of Debtor's Motion for Contempt Against Citimortgage, Inc., for Willful and Reckless and Wanton and Malicious in Bad Faith Violation of the May 01, 2019 Automatic Stay.

Your right may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this Bankruptcy Case at bar. (If you do not have an attorney, you may wish to consult one).

If you do not want this honorable Court to grant this Motion, or if you want the Court to consider your views on the Motion, then on or before **21 days from the date of the mailing of this Notice**, you or your attorney must file with the Court a written request for hearing or an objection to the Motion stating therein your supported basis for objection. This pleading must be filed with:

Clerk of Courts
United States Bankruptcy Court of Southern District of Ohio
170 North High Street
Columbus, Ohio 43215.

If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above. You must also mail a copy to:

Christal L. Caudill
Chapter 7 Trustee
3757 Attucks Drive
Powell, Ohio 43065
At clcaudill@caudill-law.com
trusteepleadings@caudill-law.com

U.S. Trustee: Asst U.S. Trustee (Col)
Office of the U.S. Trustee
170 North High Street, Suite 200
Columbus, Ohio 43215
At ustpre09.cb.ecf@usdoj.gov

If you or your do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order Granting that relief sought without further hearing or notice,

Respectfully Submitted,



LEONARD NYAMUSEVYA
Debtor – *pro se*
P.O. Box 314
Reynoldsburg, Ohio 43068
(614) 323-5898
Email: nyaleo@hotmail.com

CERTIFICATE FOR SERVICE

I hereby certify that on the 27th day of August 2019, I served a true and accurate copy of the foregoing Document and all attachments on the following by regular U.S. Mail, postage prepaid, or electronically at the email address that is registered with the Court at:

Trustee: **Christal L. Caudill**
Chapter 7 Trustee
3757 Attucks Drive
Powell, Ohio 43065
At Email: *clcaudill@caudill-law.com*

U.S. Trustee: **Asst U.S. Trustee (Col)**
Office of the U.S. Trustee
170 North High Street, Suite 200
Columbus, Ohio 43215
At *ustpreregion09.cb.ecf@usdoj.gov*

Citimortgage, Inc: **Mia L. Conner**
P.O. Box 5480
Cincinnati, Ohio 45201-5480
At *sohbk@lsrlaw.com*

Citimortgage, Inc: **Edward J. Boll**
P.O. Box 6030
Sioux Falls, SD 57117-6030
At *sohbk@lsrlaw.com*

Citimortgage, Inc: **Harry W. Cappel**
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202
At *harry.cappel@dinsmore.com*

Citimortgage, Inc: **Nathan H. Blaske**
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202
At *nathan.blaske@dinsmore.com*

Citimortgage, Inc: **Kara A. Czanik**
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202
At *kara.czanik@dinsmore.com*

DelevLaw.com: **Gregory D. Delev**
1050 Delta Avenue, # 1000
Cincinnati, Ohio 45208
At *bankruptcy@delevlaw.com*

Citimortgage, Inc: **Rick D. DeBlasis**
Lerner, Sampson and Rothfuss, LPA
120 East Fourth Street, Suite 800
Cincinnati, Ohio 45202
At *rdd@lsrlaw.com*

No other parties are affected by this Motion.

And by regular U.S. Mail, postage prepaid, upon the following, and those parties listed on the Case mailing matrix, attached hereto as Exhibit A:

Respectfully Submitted,



LEONARD NYAMUSEVYA

Debtor – *pro se*
P.O. Box 314
Reynoldsburg, Ohio 43068
(614) 323-5898
Email: *nyaleo@hotmail.com*